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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
ZURAB KAKUSHADZE, A# 78-704-408, :

Plaintiff, :

-against- : 07 Civ. 8338 (DCF)

MICHAEL CHERTOFF, Secretary of the :
Department of Homeland Security, and : ECF Case
ROBERT MUELLER, Director, Federal Bureau :
of Investigation, : Notice of Motion

Defendants. :

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PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support
of Defendants' Motion to Dismiss and other pleadings filed in this action, MICHAEL
CHERTOFF, Secretary of the Department of Homeland Security, and ROBERT MUELLER,
Director of the Federal Bureau of Investigation, by and through their attorney, Michael J. Garcia,
United States Attorney for the Southern District of New York, will move this Court for an order
dismissing the complaint pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure, and
for such other and further relief as the Court deems just and proper.

Dated: New York, New York
January 3, 2008

MICHAEL J. GARCIA
United States Attorney for the
Southern District of New York
Attorney for Defendants

/s/ Daniel P. Filor
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To: Jan H. Brown, Esq.
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New York, New York 10036
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ZURAB KAKUSHADZE, A# 78-704-408,

:
Plaintiff,

:
-against-

MICHAEL CHERTOFF, Secretary of the
Department of Homeland Security, and
ROBERT MUELLER, Director, Federal Bureau
of Investigation,

:
07 Civ. 8338 (DCF)

:
Certificate of Service

:
Defendants.

-----x

I, DANIEL P. FILOR, an Assistant United States Attorney for the Southern District of New York, hereby certify that on January 3, 2008, I caused a copy of Defendants' Notice of Motion, Memorandum of Law in Support of Defendants' Motion to Dismiss, Declaration of Heidi Buolle, and Declaration of Michael A. Cannon, to be served by Federal Express upon counsel for plaintiff at the below address:

Jan H. Brown, Esq.
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1150 Avenue of the Americas, Suite 700
New York, New York 10036
Attorney for Plaintiff

Daniel P. Filor

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